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C O N F I D E N T I A L CARACAS 001639

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STATE FOR CA/VO/L/C; L/CA (PCHABORA); AND WHA/AND
NSC FOR DFISK AND DTOMLINSON

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TAGS: [CVIS](#) [PGOV](#) [PREL](#) [PHUM](#) [ELAB](#) [KDEM](#) [PTER](#) [VE](#)
SUBJECT: VISAS DONKEY -- TASCON GUTIERREZ, LUIS

REF: A. 03 CARACAS 03066

- [1](#)B. 04 CARACAS 00407
- [1](#)C. 04 CARACAS 00945
- [1](#)D. 04 CARACAS 01188
- [1](#)E. 05 CARACAS 01522
- [1](#)F. CARACAS 01207

Classified By: Kevin Whitaker, CDA, for Reasons 1.4(b) and (d).

Summary -----

[1](#)1. (C) Post requests SAO on the prudential revocation of the B1/B2 visa of Venezuelan citizen Luis Tascon (DPOB: 27AUG1968, Venezuela) on Foreign Policy grounds under INA 212(A)(3)(C). Post believes that his entry in the United States would have potentially serious adverse foreign policy consequences for the United States because he has engaged in the harassment, intimidation, and punishment of ordinary Venezuelan citizens for their political beliefs and for exercising their lawful rights to petition for a change in government, violated their privacy rights, and seriously undermined democratic electoral processes in Venezuela. In particular, Tascon conceived and implemented a technique for identifying and punishing regime opponents, and encouraged and facilitated its use for that end. In conversations with emboffs, Tascon admitted that he compiled and disseminating the list. Permitting such an individual to enter the United States would undercut our policy goals with respect to human rights generally, and with respect to our policy goals of encouraging respect for human rights in Venezuela in particular. It would also be contrary to our policy of encouraging democratic reform in Venezuela, call into question our commitment to that goal, and discourage Venezuelan democratic forces. Taking this action now is of particular import because Venezuela is facing a presidential election; we need to discourage harassment of the opposition and at the same time make democratic opposition forces aware that the United States supports their right to express themselves and change their government through constitutional means. End summary.

The Tascon List: The Facts -----

[1](#)2. (U) Luis TASCON Gutierrez (DPOB: 27 Aug 1968, San Cristobal, Venezuela), a National Assembly Deputy for the ruling Fifth Republic Movement (MVR), created and facilitated the Venezuelan government's insidious use of a list of names and identity numbers of nearly four million Venezuelans who signed petitions in favor of holding a legally authorized recall referendum against President Hugo Chavez. The so-called "Tascon List" has become a reference document used

by the government to take an array of punitive actions against petition signers because of their opposition to the government. These actions include firing from and denial of government employment; denial of government benefits, including educational, health and social services, to signers and their family members, both minors and adults; discipline or discharge of military officers; and denial of identity documents, including national identity documents and passports.

¶3. (U) In 2002, after two years of political crisis the democratic opposition to President Chavez moved to call a referendum forcing Chavez' ouster. Article 72 of the Bolivarian Constitution establishes the right of citizens to demand a recall referendum on the president, provided that they submit petitions signed by 20 percent of the electoral registry. With an electoral registry of 12 million at the time, a referendum could be called with 2.4 million votes. The opposition eventually collected some 3.4 million signatures, amounting to nearly 30% of the electoral registry. The petitions were submitted, according to procedures established by law, to the National Electoral Council (CNE).

Creation of Tascon List in Searchable Formats

¶4. (C) While this political-electoral process was underway, allegations surfaced in the press, confirmed by Tascon's direct, admission at that time to emboffs, that Tascon had accessed CNE records to collect the names and identity numbers of the signers of the recall referendum petition. Tascon posted the list on his National Assembly-sponsored website, which is available to the public. He also downloaded the information onto thousands of CD-ROMs, and then distributed them, free of charge, to departments and agencies of the Bolivarian Republic of Venezuela (BRV). In contemporaneous statements to Embassy officers, Tascon made clear that the BRV considered the signers of the petition to be disloyal to the "Bolivarian revolution," that there should be consequences for their "counterrevolutionary" activity. Tascon told us that it was his intention that the list he created and disseminated should be used for that purpose.

¶5. (U) Tascon's concept was quickly endorsed by President Chavez, who in October 2003 publicly vowed that those who signed against him "would be remembered for 100 generations," explicitly threatening to punish those Venezuelans who took advantage of this constitutionally-authorized mechanism to remove him from office. Chavez made these threats on a number of occasions, particularly in public addresses, and made specific reference to the existence of the list of petition signers prepared and distributed by Tascon. As further evidence of the complicity between Tascon and the BRV and Tascon's critical role in the operation, in January 2004, Tascon got access to additional databases of petition signatures based on a letter signed by Chavez to the CNE.

List Used to Punish Regime Opponents

¶6. (C) The practical effect of what by this point (and still) is called the "Tascon List" was to permit BRV officials throughout the government to check the list to see whether government employees or any potential beneficiary of BRV services -- in effect, the entire population -- had signed the referendum petition. Reports surfaced quickly in the press and were alleged to emboffs in conversations with individuals who had signed the petition.

Methods of Retaliation

¶7. (U) A number of organizations have documented the insidious use of the Tascon List to punish Venezuelans whose crime was exercising their constitutional right to urge the removal of the president. All manner of government benefits were denied to many of these individuals, and their family

members, both adults and minors. Benefit denial included firing from or denial of government employment; denial of scholarships to attend public universities; denial of internships in BRV agencies and parastatal institutions, like the state oil company, PDVSA; discipline and discharge of military officers; denial of passports or identity cards for themselves and their relatives. In addition, none of the Venezuelans who appear on the Tascon List, and as a general rule their close relatives, are permitted to participate in the BRV's many social "missions," populist programs designed principally to redistribute income to poor sectors of society. Since 2002, the BRV has spent roughly \$12 billion on these missions. In April 2005, Tascon bragged to poloff that his list was being used to "vet" new judges, arguing that it would ensure their loyalty to the Chavez government.

18. (U) The BRV also exerts pressure on private businesses holding contracts with the government to shed employees who signed the recall petition. Embassy has reliable information that private companies that do business with the government are forced to present a list of employees, so that those names can be checked against the Tascon list; based on that information cross, the BRV can determine whether the companies would continue receiving government contracts.

Documentation of Official Retaliation

19. (SBU) The fact of official harassment and punishment of signers of the recall referendum petition based on the Tascon List is an accepted fact in Venezuelan society. The Department noted official BRV retaliation against signers of the referendum petitions in the 2003 Human Rights Report, and described the existence and nefarious use of the Tascon List in the 2004 and 2005 Human Rights Reports. Embassy contacts regularly detail credible, specific allegations of punitive action against signers. In addition, a number of complaints have been filed in response to these unfair actions, and NGOs have been created to document the scope of harassment:

-- The Inter-American Commission on Human Rights noted in its annual report for 2005 that an opposition public sector labor federation, FEDEUNEP, had presented documentation for 780 cases of public servants who had been fired, coerced, or transferred for having signed.

-- In February 2006, a new documentary on the Tascon List was produced by the NGO Ciudadania Activa ("Active Citizenry") that documented several dozen cases of persons persecuted as a result of the Tascon List.

-- One particularly well-documented case is that of Rocio San Miguel, an employee of the National Border Council, chaired by Vice President Jose Vicente Rangel. San Miguel claims she was dismissed without cause after Rangel's office checked the payroll records against the Tascon List. San Miguel recorded the telephone conversation in which her supervisor specifically admits that he was dismissing her because she signed the recall petition. For the same reason, San Miguel lost her job teaching at the Venezuela Air War College and her husband, an active duty Air Force colonel, was relieved of command and not given an onward assignment. San Miguel took her case to the IACHR, which will rule on the admissibility of the case in October 2006.

-- The human rights NGO "Incluyendonos Sin Fronteras" (ISF - Including Us without Borders) has been established with the express mission of finding and cataloging punitive BRV actions against individuals whose names appear on the Tascon List. ISF encourages individuals to send emails to an electronic in-box ("yofirme" @ hotmail.com, which means "I signed," i.e., "I signed the recall petition.") ISF provided Embassy with hundreds of emails from persons alleging discrimination. Many complain of having been fired or denied employment for government or government-related positions for having signed. Below are two illustrative non-employment cases:

-- Angelo Teles (protect) reported that he stopped receiving payments from a government program to compensate depositors for bank failures (FOGADE) after FOGADE authorities checked his name against the Tascon List.

-- Pedro Elias Carrasco (protect) reported that his 96-year-old aunt, Juana Bautista, was cut off from essential medicines in 2003 from the Sucre Municipality's medical fund with this message: "Unfortunately, the medicine donations for Mrs. Juana Bautista will no longer take place because the above-mentioned citizen is listed in the List of Luis Tascon as having signed against President Hugo Chavez in the recall referendum."

-- Another well-documented case is that of former judge Juan Carlos Aptiz, who was dismissed in 2003 from his position as president of the five-judge First Court of Administrative Matters (Corte Primera de lo Contencioso Administrativo) after signing the recall referendum. The First Court was well known for issuing rulings which did not favor the Chavez administration, so the BRV was particularly interested in ridding itself of Aptiz. Aptiz has also submitted his case to the Interamerican Commission for Human Rights.

Potentially Serious Adverse Foreign Policy Consequence:

a) Undermining our human rights goals generally and within Venezuela in particular

¶10. (C) As has been demonstrated, Tascon conceived a unique method for identifying regime opponents, using state-controlled data bases of political activity, then facilitated the widespread dissemination of this information and urged its use to punish such individuals. Such retribution did in fact take place. The use of the Tascon list to harass individuals for their political beliefs was widespread, encouraged by Tascon, and sanctioned by the BRV. To permit the author of the individual who conceived, organized, implemented, and encouraged widespread use of this 21st century tool of political repression to travel to the United States is directly contrary to our global policy goals with respect to human rights. The Tascon list is used to impinge on freedom of expression and the right of Venezuelans to change their government. Permitting democratic Venezuelans' inquisitor freely to visit the United States is corrosive of our foreign policy goals with respect to human rights. Moreover, as regime opponents are selectively harassed and intimidated, the very individuals most likely to confront BRV abuses are silenced. In the first event, it is the responsibility of Venezuelans to advocate for proper human rights observance in their nation, and it is these individuals who are being singled out and punished through the use of Mr. Tascon's list.

Potentially Serious Adverse Foreign Policy Consequence:

b) Undercutting Policy of Supporting Remaining Democratic Institutions

¶11. (C) The Tascon List was used by BRV officials with Tascon's knowledge and support to discriminate systematically against millions of Venezuelans (and their families) who used legal, constitutional mechanisms to express the desire for a peaceful, democratic solution to Venezuela's political crisis. As these individuals were punished for their political views, the institutions of democratic government in which they participated

-- unions, NGOs, and political parties -- withered in the face of official repression. A central element on our policy in Venezuela is to maintain democratic institutions and sensibilities in the face of a variety of assaults by President Chavez' increasingly repressive regime. Permitting the individual who conceived and implemented a new technique to take retribution against individuals who are seeking to assert their fundamental freedoms, and whose activities are explicitly endorsed by the United States as a matter of policy, to enter the United States would be contrary to policy as it would discourage our democratic allies here and

call into question our commitment to that policy goal.

Potentially Serious Adverse Foreign Policy Consequence:

c) Timing of Upcoming Presidential Elections

¶12. (C) Implementing our policy of support for the independent institutions of democratic government is of cardinal importance now. Venezuela faces another presidential election this year, the fourth in seven years (counting the 2004 recall referendum as a no-confidence vote on Chavez' tenure). The result of these political processes, and the growing tendency by the BRV not merely to harass the opposition, but also to criminalize dissent, has been to undercut the democratic opposition's appetite for confrontation with the regime. All indications are that the opposition is not united and is highly unlikely to present a credible electoral challenge to Chavez in the December 2006 elections. At this time, it is of critical importance that the United States be seen as the champion of independent democratic development here. Taking a forthright stand opposing the entry of the inquisitor Luis Tascon -- whose actions led to the harassment of thousands of Venezuelans, and the creation of a climate of fear which has repressed normal opposition activity -- would send just that signal. Viewed in the negative, our failure to take action against Tascon would have the serious negative foreign policy consequence of further discouraging the political opposition during this critical election year.

¶13. (C) In addition, if there are no consequences for such behavior, other and perhaps worse abuses could be encouraged in the future. It is worth noting that the Tascon List database has now been merged into the "Maisanta List," recently updated to Maisanta List 2.0. The Maisanta List is used to capture a vast array of data about Venezuelan citizens, starting with whether they signed the recall petition, but also including whether they enjoy any government benefits, whether they or family members participate in government "missions" (see para 7, above), whether they voted in recent elections, all foreign travel, tax records -- in the end, a complete listing of every individual's interaction with the BRV. As it has been established that the BRV used the Tascon List to punish its perceived opponents, it stands to reason that the much more comprehensive Maisanta List would permit a much deeper uprooting of independent thought and action in Venezuela. Our action now with respect to Tascon can serve in some measure to dissuade such use by making clear to others that there are consequences for denying Venezuelans their fundamental freedoms.

Tascon's Current Visa and Travels

¶14. (SBU) Post records indicate Tascon received a B1/B2 multiple entry visa valid for 12 months on November 16, 2005. The one-year validity corresponds with current policy for issuing visas to BRV deputies. A TECS inquiry shows that Tascon made one trip to the United States in 2006 and two in ¶2004.

FBI Person of Interest

¶15. (C) In the course of our research to prepare this SAO, Embassy discovered that Tascon is a person of interest in an FBI counterterrorism case in San Juan, Puerto Rico. According to LEGATT, Tascon has in the past traveled to San Juan to meet with the Venezuelan Consul General, Vinicio Romero. During these visits, according to the FBI, Tascon reportedly has met with members of the Puerto Rican domestic terrorist organization known as the Macheteros. Based on consultations among the Embassy, LEGATT, and the FBI Field Office in Puerto Rico, LEGATT and FBI Field Office San Juan concluded that Tascon's visa revocation would not have any substantial effect on the FBI's inquiries with respect to the Macheteros. LEGATT cleared this cable.

WHITAKER